

## **§ 121.26**

### **§ 121.26 Inspection of facility or activity before operation.**

Where any facility or activity has received certification pursuant to § 121.24 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Regional Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

### **§ 121.27 Notification to licensing or permitting agency.**

If the Regional Administrator, after an inspection pursuant to § 121.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed facility into compliance with such standards.

### **§ 121.28 Termination of suspension.**

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Regional Administrator's notice and recommendation pursuant to § 121.27, the applicant may submit evidence to the Regional Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Regional Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

## **Subpart D—Consultations**

### **§ 121.30 Review and advice.**

The Regional Administrator may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and

## **40 CFR Ch. I (7–1–00 Edition)**

content of water quality standards where they have been federally approved under section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity for which a license or permit is sought. The Regional Administrator may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Regional Administrator may advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purpose of the Act.

## **PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

### **Subpart A—Definitions and General Program Requirements**

Sec.

- 122.1 Purpose and scope.
- 122.2 Definitions.
- 122.3 Exclusions.
- 122.4 Prohibitions (applicable to State NPDES Programs, see § 123.25).
- 122.5 Effect of a permit.
- 122.6 Continuation of expiring permits.
- 122.7 Confidentiality of information.

### **Subpart B—Permit Application and Special NPDES Program Requirements**

- 122.21 Application for a permit (applicable to State programs, see § 123.25).
- 122.22 Signatories to permit applications and reports (applicable to State programs, see § 123.25).
- 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).
- 122.24 Concentrated aquatic animal production facilities (applicable to State NPDES programs, see § 123.25).
- 122.25 Aquaculture projects (applicable to State NPDES programs, see § 123.25).
- 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).
- 122.27 Silvicultural activities (applicable to State NPDES programs, see § 123.25).